

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

D.A. Farias et al.

Examiner:

Gerald J. O'Connor

Serial No.:

09/712,584

Group Art Unit:

3627

Filed:

Docket No.: November 14, 2000

SJO919990173

TITLE:

REPLENISHMENT MANAGEMENT SYSTEM AND METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, Mail Stop: AF, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2003.

David W

7/8/03

RESPONSE TO FINAL OFFICE ACTION

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GROUP 3600

Commissioner for Patents Alexandria, VA 22313-1450

Dear Sir:

A Final Office Action was entered on April 8, 2003, in which the Examiner rejected all pending claims 1-65 as either anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over prior art. On June 6, 2003, the attorney for Applicants and the Examiner held a phone interview to discuss the patentability of the claims over the cited art. No agreement was reached on patentability. Applicants submit herewith the following arguments to traverse the prior art rejections raised in the Final Office Action and request reconsideration of the rejections in view of these arguments. Applicants submit that all pending claims 1-65 are patentable over the cited art for the reasons discussed herein.

The Examiner rejected claims 1-38 and 58-65 as anticipated (35 U.S.C. §102) by Graves (Statutory Invention Reg. No. H1743) and rejected claims 39-57 as obvious (35 U.S.C. §103) over Graves. Applicants traverse for the following reasons.

Independent claim 1 requires a method for ordering products wherein the products are supplied by a supplier to a replenishment service center (RSC), wherein an acquiring entity obtains products from the RSC, comprising: generating, by the acquiring entity, an order to

FORM PTO-1083 JUL 1 4 2003 THE UNITED STATES PATENT AND TRADEMARK OFFICE Examiner: Gerald J. O'Connor In re Application of: D.A. Farias et al. 09/712,584 Serial No.: Art Unit: 3627 November 14, 2000 Filed: REPLENISHMENT MANAGEMENT For: SYSTEM AND METHOD PATENT TRADEMARK OFFICE ASSISTANT COMMISSIONER OF PATENTS Washington, D.C. 20231 Sir: RECEIVED Transmitted herewith in the above-identified application is an: JUL 1 8 2003 Amendment 12 pages. Return Postcard. **GROUP 3600** No additional fee is required. The fee has been calculated as shown below: HIGHEST NO CLAIMS ADDIT. **PREVIOUSLY PRESENT** ADDIT. REMAINING RATE **FEE** PAID FOR **EXTRA RATE** FEE AFTER **AMENDMENT** \$0 OR x 18 **MINUS** \$0 TOTAL 65 OR x 84 \$0 \$0 0 INDEP CLAIMS 10 **MINUS** 10 х OR + 280 FIRST PRESENTATION OF MULTIPLE DEP. CLAIM OR TOTAL \$-0-TOTAL Please charge Deposit Account No. 09-0466 the amount of \$___ to cover the extension fee and also the amount of \$___ to cover the claim fee. A duplicate copy of this sheet is enclosed. A check in the amount of \$ ___ to cover the extension fee is enclosed. A check in the amount of \$ ___ to cover the filing fee is enclosed. A check in the amount of \$ ___ to cover the petition fee is enclosed. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0466. A duplicate of this sheet is enclosed. Any filing fees under 37 CFR 1.16 for the presentation of extra claims. Any patent application processing fees under 37 CFR 1.17. Respectfully/submitted

Dated: July 8, 2003

David W. Victor

Registration No. 39,867

KONRAD RAYNES VICTOR & MANN, LLP

315 S. Beverly Drive, Suite 210

Beverly Hills, CA 90212 (310) 556-7983 (voice) (310) 556-7984 (fax)

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David W. Victor

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Date